

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DAVID DICREASE, individually and on behalf
of all others similarly situated,

Plaintiff,

VS.

JOSEPH LISTENGART, EDWARD H.
AUSTIN, JR., CHARLES BATTEY,
STEWART A. BLISS, TED A. GARDNER,
WILLIAM J. HYBL, MICHAEL C. MORGAN,
EDWARD RANDALL, III, FAYEZ S.
SAROFIM, JAMES M. STANFORD, H.A.
TRUE, III, DOUGLAS W.G. WHITEHEAD,
RICHARD D. KINDER, KINDER MORGAN,
INC., KINDER MORGAN FIDUCIARY
COMMITTEE, JOHN DOES 1-30

Defendants.

CASE NO. 06-CV-02447

NOTICE OF VOLUNTARY DISMISSAL

TO: All parties, by and through their counsel of record.

The United States Trust Company, National Association, an independent fiduciary retained by the Kinder Morgan, Inc. Savings Plan ("Plan"), has concluded that the proposed purchase of all of the Plan's shares of common stock of Kinder Morgan, Inc. by a group of investors is "fair" to the Plan. Accordingly, pursuant to Federal Rules of Civil Procedure 41(a), Plaintiff hereby gives notice of voluntary dismissal, without prejudice, of the above captioned action.

Respectfully submitted,

Dated: January 5, 2007

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Notice of Voluntary Dismissal and [Proposed] Order has been served on all counsel by ECF or by placing a copy in the First Class U.S. Mail this 5th day of January, 2007:

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